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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,841	12/08/2003	Kris Edward Hansen	005230.00007	9293
22907 7590 12/30/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	
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			12/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,841

Applicant(s)

HANSEN, KRIS EDWARD

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19, 21-26, 28-30, 45, 47, 48 and 51-54 is/are pending in the application.
4a) Of the above claim(s) 23, 26 and 30 is/are withdrawn from consideration.
5) ☒ Claim(s) 29 is/are allowed.
6) ☒ Claim(s) 18, 19, 21, 22, 24, 25, 28, 45, 47, 48 and 51-54 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Applicant's reply filed 10/07/08 is acknowledged. Claims 18-19, 21-26, 28-30, 45, 47-48, 51-54 are pending. Claims 1-17, 20, 27, 31-44, 46 and 49-50 have been canceled. Claims 23, 26 and 30 were withdrawn

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 18-19, 21-22, 28 and 54 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US patent no. 3,838,713 to Tubbs.

As to claims 18-19, Tubbs discloses a tube and connection comprising a curved tubular elongated body (Fig 2) having a predetermined bend between first and second ends 24, 26, the first end including a collar (50) comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges; wherein the body and collar form of a one piece construction and having a guide (part of an opening of the collar 50 or tubular 40 or element 52 considering as a guide; and a central passageway, the passageway including at least one inner surface (inside 40)*.

*Note that the recitation such as "one piece molded construction" in a product claim is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Nevertheless, Tubbs does not appear to disclose expressly that the body and the collar form or make of a one piece molded construction. However, the fact that this is a product claim and it is well settled that the patentability of a product does not depend on its method of production.

As to claim 21, wherein the predetermined bend maintains said guiding and supporting member at a predetermined bend radius.

As to claim 22, wherein said elongated body is open at said first end and at a second end, said second end including a second collar comprising first and second flanges and a seat extending between the first and second flanges of the second end.

Claims 28 and 54 recited limitations similar to those recited in claims 18-19 and 21-22 are therefore also read on Tubbs. Note that

Claims 24-25, 45, 47-48 and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,529,171 to Woodruff.

As to claim 24, Woodruff discloses a cable guiding apparatus comprising an elongated tubular body 18 (Fig. 5) having a first end, a second end, the tubular body having a curve between the first end and the second end and at least one roller 52 positioned on the curve between said first and second ends, the tubular body having an opening and a portion of the least one roller extending into the opening (see dotted lines of rollers 52-54) (Fig. 2), the first end comprises a collar (30, 64, 66 (Fig. 5) comprising a first circumferential flange, a second circumferential flange and a seat extending

between said flanges; wherein the tubular body surrounds and encloses a flexible member therein 24.

As to claim 25, wherein said elongated body includes a plurality of rollers (52-54) spaced between said first and second ends.

As to claims 45 and 47-48 and 51-53, an elongated molded tubular body (Fig. 5) defining a passageway for the flexible member, tubular body being curved at a predetermined radius; at least one roller 52 body disposed along a length of the tubular body; wherein the tubular body has an opening in which at least a portion of the roller body protrudes within the opening (see dotted lines of rollers 52-54 in Fig. 2) so that the flexible member can travel thereon wherein there are a plurality of roller bodies in corresponding openings; and a guide (considering an opening at either ends) with said tubular body; wherein the least one roller body includes a curved bearing surface for the flexible member to travel thereon and wherein the bearing surface is concave; wherein the least one roller body is mounted to a frame²⁰ (Fig. 5), the frame attached to the tubular body.

Allowable Subject Matter

Claim 29 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: Even though the use of flexible tube and roller are known. But there is no disclosed or suggested a combination of the tubular body including a plurality of rollers

spaced along its length, a passageway and first and second ends each including a collar having first flange and second flange and a seat extending between the flanges.

Response to Arguments

Applicant's arguments with respect to claims 18, 19, 21, 22, 28, 45, 47, 48 have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tubbs and Woodruff.

Accordingly, this action is made NON-FINAL.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen J. Shriver can be reached on (571) 272-6689. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632
12/22/08

/Tan Le/
Examiner, Art Unit 3632